

### **REMARKS**

In response to the Restriction Requirement, Applicants elect the claims of Group I (*i.e.*, claims 1-31, 55, and 57), without traverse.

Applicants reserve the right to pursue the remaining non-elected inventions in divisional applications.

In response to the Election of Species Requirement, Applicants elect the following:

- 5' transcription regulation element "homologous to a DNA sequence that naturally enhances and/or regulates gene expression in plant cells" (claim 3);
- the element from rice (claim 4);
- the sequence corresponding to SEQ. ID NO: 10 (claim 6);
- the first exon described in claim 23; the second exon described in claim 27;
- the exon/intron/exon region described in SEQ. ID NO:6 (claim 26); and
- the DNA vector "for the expression of DNA sequences in plant cells containing an artificial promoter responding to claim 1" (claim 57).

As required by the Election of Species, Applicants have identified the following claims as being readable upon the elected species: claims 1, 3, 4, 5, 6, 22, 23, 25, 26, 27, 29, 55, and 57.

Applicants: Sosa, et al.  
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It is now believed that this application is in condition for further consideration and examination. If resolution of any remaining issues is required prior to examination of the application, it is respectfully requested that the Examiner contact Applicants' representative at the telephone number provided below.

The present response is being filed within two months from the mailing date of the office action. Accordingly, a petition for a two-month extension of time is submitted herewith. If any additional fees are due or any overpayment has been made in connection with this paper, please charge or credit our Deposit Account No. 08-2461 for such sum.

Respectfully submitted,

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